TRIAL EXHIBIT 37

DECLARATION OF SCOTT GIDLEY REGARDING DISPOSITION CODES

- 1. I, Scott Gidley, make this declaration on behalf of ViSalus, Inc. ("ViSalus"), the defendant in the action *Wakefield v. ViSalus*, *Inc.*, pending in the U.S. District Court, District of Oregon, Portland Division, No. 3:15-cv-01857-BR (the "Lawsuit").
- 2. I am the Compliance Analyst at ViSalus and I am authorized to make this declaration on behalf of ViSalus. As the Rule 30(b)(6) representative for ViSalus for this Lawsuit, I have generally reviewed the POM (Proactive Outreach Manager) Contact spreadsheets, POM Campaign Tracker and documents in the ASR Projects folders produced in this action.
- 3. The POM Campaign Tracker spreadsheet identifies an initial spreadsheet used for a calling campaign. For many marketing campaigns on the POM Campaign Tracker, there is a "refiltered" spreadsheet that has the disposition code for the first attempted call under the "reason" column, as the disposition of that initial call is the reason the individual was placed on the refiltered list for a second call.
- 4. There are also spreadsheets identified as "call blast" results or "blast" results in the "ASR Projects" folder that likewise list telephone numbers called for marketing campaigns. These spreadsheets identify the disposition code in the "reason" column or in the "results" column. It is likely that POM was used for these ASR campaigns as well, and a voice recording may have been used.
- 5. To the best of my knowledge, all of the marketing campaigns that ViSalus ran calling U.S. residents using POM are identified by the spreadsheet name on the POM Campaign Tracker spreadsheet, or are located in the ASR Projects folder and the spreadsheet name includes "call blast results" or "blast results." All of these spreadsheets are listed in the attached Exhibit A hereto.
- 6. To the best of my knowledge, ViSalus did not alter the meaning of the POM disposition codes (also called "Completion Codes") from the definitions set forth on pages 85 through 89 of the Using Proactive Outreach Manager manual that was Exhibit 19 to my deposition on December 12, 2017.
- 7. To the best of my knowledge, the following disposition codes indicate no voicemail could have played:

Call Busy

Disconnected By User

No Answer

OB No Answer

Reorder Tone

Ring No Answer

SIT Tone

Network refusal

RS_Outside Call TimeZone

3:15-cv-01857

OB_Outside Caller Time Fax

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March, 2018.

Scott Gidley

EXHIBIT A

••	
11/10/2016 03:37 PM	4,235 Alan Guzzino NST Blast Results 3 24 2015.csv
11/10/2016 03:37 PM	4,437 Alan Guzzino NST Blast2 Results.csv
11/14/2016 01:35 PM	584,104 April2015_Winback.csv
11/14/2016 01:39 PM	219,518 April2015_WinbackP10.csv
11/14/2016 01:39 PM	207,400 April2015_WinbackP11.csv
11/14/2016 01:38 PM	187,453 April2015_WinbackP12.csv
11/14/2016 01:38 PM	179,909 April2015_WinbackP13.csv
11/14/2016 01:35 PM	170,732 April2015_WinbackP14.csv
11/14/2016 01:34 PM	165,885 April2015_WinbackP15.csv
11/14/2016 01:35 PM	159,804 April2015_WinbackP16.csv
11/14/2016 01:36 PM	153,107 April2015_WinbackP17.csv
11/14/2016 01:39 PM	148,828 April2015_WinbackP18.csv
11/14/2016 01:39 PM	145,634 April2015_WinbackP19.csv
11/14/2016 01:40 PM	492,391 April2015_WinbackP2.csv
11/14/2016 01:36 PM	141,476 April2015_WinbackP20.csv
11/14/2016 01:39 PM	428,640 April2015_WinbackP3.csv
11/14/2016 01:37 PM	399,164 April2015_WinbackP4.csv
11/14/2016 01:35 PM	339,101 April2015_WinbackP5.csv
11/14/2016 01:34 PM	305,274 April2015_WinbackP6.csv
11/14/2016 01:35 PM	276,634 April2015_WinbackP7.csv
11/14/2016 01:39 PM	252,873 April2015_WinbackP8.csv
11/14/2016 01:37 PM	165,923 April2015_WinbackP9.csv
11/14/2016 01:30 PM	4,380,905
AugSepOct2014OrderingCustomersNoViBites 10 16 2014.csv	
11/14/2016 01:36 PM	41,943 August 2015 Expired Invalid Winback.csv
11/14/2016 01:35 PM	28,997 August 2015 Expired Invalid WinbackP2.csv
11/10/2016 03:42 PM	1,871 CharlesemilythirtyNST2 Results.csv
11/10/2016 03:42 PM	685 charlesemilythirty NSTResults.csv
11/10/2016 03:42 PM	1,612 Christi Reynolds Nonactive WinBacks and Neon Summary
Results.csv	
11/10/2016 03:42 PM	13,439 Christi Reynolds Nonactive WinBacks and Neon.csv
11/10/2016 03:42 PM	19,566 ChristiReynolds_WinBack_Jan2015 Call Detail
Results.csv	· – –
11/10/2016 03:42 PM	1,677 ChristiReynolds WinBack Jan2015 Results Summary.csv
11/10/2016 03:33 PM	86,166 Customer List Ryan Yokome Jan2015 Neon.csv
11/14/2016 01:37 PM	413,283 Dec2014 Winback.csv
11/14/2016 01:40 PM	353,668 Dec2014 WinbackP2.csv
11/14/2016 01:39 PM	306,169 Dec2014 WinbackP3.csv
11/14/2016 01:37 PM	271,835 Dec2014_WinbackP4.csv
11/14/2016 01:35 PM	194,858 Dec2014_WinbackP5.csv
11/14/2016 01:30 PM	6,092 December 2014_WinbackSpanish.csv
11/14/2016 01:29 PM	3,884,517 Did NotBuy NeonYet.csv

11/10/2016 03:42 PM	2,533 DodiOsburn WinBack Jan2015 Results.csv
11/10/2016 03:42 PM 11/10/2016 03:29 PM	
	137,600 ErnestRSTCharlotte2015 Results.xlsx
11/10/2016 03:29 PM	254,047 ErnestRSTSummer2015 Results.xlsx
11/14/2016 01:31 PM	236,041 Expired Challenge Campaign.csv
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11/14/2016 01:30 PM	3,957 Feb2015_WinbackSpanish.csv
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11/14/2016 01:35 PM	132,207 FebCorrectedWinbackP15.csv
11/14/2016 01:34 PM	125,342 FebCorrectedWinbackP16.csv
11/14/2016 01:35 PM	121,823 FebCorrectedWinbackP17.csv
11/14/2016 01:38 PM	118,609 FebCorrectedWinbackP18.csv
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11/14/2016 01:29 PM 11/14/2016 01:28 PM	822,305 FuelKitUpgrade_August2015.csv 4,864,975 FuelKitUpgrade February2015.csv
11/14/2016 01:28 PM 11/14/2016 01:28 PM	, , 1 C = ,
11/14/2016 01:28 PM 11/14/2016 01:29 PM	1,289,498 FuelKitUpgrade_JulyUSCA.csv
	4,811,361 FuelKitUpgrade_June2015USCA.csv
11/14/2016 01:28 PM	4,515,340 FuelKitUpgrade_March2015USCA.csv
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11/14/2016 01:31 PM	4,081,159 GreenFridayPlus1NorthAmerica.csv
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11/14/2016 01:39 PM	567,837 Jan2015_Winback.csv

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11/14/2016 01:30 PM
                            204 JillianReturnBlastT4.csv
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11/14/2016 01:40 PM
                         592,004 May2015 WinbackP3.csv
11/14/2016 01:36 PM
                         488,478 May2015 WinbackP4.csv
                         414,314 May2015 WinbackP5.csv
11/14/2016 01:36 PM
11/14/2016 01:34 PM
                         363,508 May2015 WinbackP6.csv
                         334,735 May2015 WinbackP7.csv
11/14/2016 01:34 PM
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11/14/2016 01:37 PM
11/14/2016 01:30 PM
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                          16,325 MonaMieras WinBack Jan2015 Results.csv
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                         401,205 Nov2014 WinbackP3.csv
11/14/2016 01:36 PM
11/14/2016 01:39 PM
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                         323,951 Nov2014 WinbackP5.csv
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11/14/2016 01:40 PM
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11/14/2016 01:40 PM
11/14/2016 01:40 PM
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11/14/2016 01:40 PM
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                          15,259 Oct2014 Winback301to6p.m.P5.csv
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11/14/2016 01:41 PM
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11/14/2016 01:40 PM
11/14/2016 01:40 PM
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11/14/2016 01:40 PM
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11/14/2016 01:40 PM
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11/14/2016 01:40 PM
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11/14/2016 01:40 PM
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11/14/2016 01:40 PM
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11/14/2016 01:43 PM
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11/14/2016 01:43 PM
11/14/2016 01:43 PM
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                         96,998 Q12013VM301pmtoMidnight on 11 1 2014.csv
11/14/2016 01:43 PM
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11/14/2016 01:43 PM
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11/14/2016 01:43 PM
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11/14/2016 01:43 PM
                         124,904 Q12013VM301pmtoMidnight On11 25 2014P2.csv
11/14/2016 01:43 PM
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11/14/2016 01:43 PM
11/14/2016 01:43 PM
                         222,050 Q12013VM8amto3pm on 11 26 2014.csv
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11/14/2016 01:43 PM
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11/14/2016 01:43 PM
11/14/2016 01:43 PM
                         515,464 Q12013VM 12to6filter 11 20 2014.csv
                         118,973 Q12013VM 301pmtoMidnight on11 24 2014P2.csv
11/14/2016 01:43 PM
                         524,706 Q12013VM 3to6 11 18 2014.csv
11/14/2016 01:43 PM
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11/14/2016 01:43 PM
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11/14/2016 01:45 PM
11/14/2016 01:44 PM
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                        1,001,521 Q22013 1to75KVoicemailsP10.csv
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11/14/2016 01:45 PM
                        1,784,295 Q22013 1to75KVoicemailsP2.csv
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                        1,663,025 Q22013 1to75KVoicemailsP3.csv
11/14/2016 01:44 PM
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11/14/2016 01:45 PM
                         273,169 Q22013 1to75KVoicemailsP4B.csv
                         1,449,477 Q22013 1to75KVoicemailsP5.csv
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Summary.csv
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